

INITIAL STATEMENT OF REASONS:

This regulatory action amends provisions governing inmate's participation in work and educational programs. These provisions require that inmates assigned to positions involving extensive day-to-day staff/inmate interaction, including, but not limited to, clerical duties and office work, such as clerks and teacher's aides, be rotated at regular intervals to other assignments within the institution.

The institution head is allowed to determine the rotation schedule for inmates working in various assignments throughout the institution; however, assignments to such positions are not to exceed a two-year period. Each institution is unique as to its security policies and plans regarding inmate/staff contact. Additionally, the classification level of inmates qualified to work in specific jobs and the level of skill required for work assignments vary at each institution.

All eligible inmates who participate in work and educational programs learn various skills and techniques, which enables them to better prepare themselves for reentry into society. This action also encourages work assignment cross training with other positions throughout the institution/facility. With each routine rotation, inmates gain new skills and knowledge of various working environments.

Existing subsection 3040(e) is amended to allow the institution head to determine the rotation schedule based upon: 1) the institution's individual security policies; 2) the amount of time staff and inmates interact at the work site; 3) the potential of an inmate becoming overly familiar in a critical work assignment; 4) the potential of an inmate gaining intimate knowledge of the inner workings of the institution; and 5) the need to reduce the dependence of staff upon individual inmate workers.

Inmates assigned to various positions throughout the institution/facility shall not exceed a two-year period. This action is necessary to ensure that inmates do not manipulate staff through knowledge of processes or persons, which can be used to their advantage. Pursuant to Section 3041.2(d), inmates would be placed in a comparable position and would retain the same work group/privilege group status, and when possible, retain the same pay level. This routine rotation of an inmate to another assignment is a non-adverse action. This action assures that routine rotation shall not affect the inmates work/training group designation and inmates not rotated directly to another position, shall continue to earn "S" time pursuant to Section 3045.3(b)(14).

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be less burdensome to affected private persons than the action proposed.

Existing subsection 3040(f) is renumbered from subsection 3040(e) and is unchanged.

Existing subsection 3040(g) is renumbered from subsection 3040(f) and is unchanged.

Existing subsection 3040(h) is renumbered from subsection 3040(g) and is unchanged.